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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
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11-CV-00872-EXH

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBORAH R. BEATON,

Plaintiffs,

v.

JPMORGAN CHASE BANK N.A.,
NORTHWEST TRUSTEE
SERVICES, INC.,

Defendants.

CASE NO.

11-cv-872 RAJ

VERIFIED MOTION FOR
PRELIMINARY INJUNCTION

NOTED FOR MOTION JUNE __, 2011.

Plaintiff DEBORAH R. BEATON motions this Honorable Court to issue a preliminary injunction in support therefore states:

JURISDICTIONAL ALLEGATIONS

1. This is an action for the equitable remedy for preliminary injunction.
2. Petitioner resides in King County, Washington.
3. The threatened harm to be enjoined is threatened to be imposed in King County, Washington.

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INJUNCTION

Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607

- 1 4. Defendant, NORTHWEST TRUSTEE SERVICES, INC., has received service of the
2 summons, complaint, motion for temporary restraining order, motion for preliminary
3 restraining order, affidavit of hardship and injury; and,
4
5 5. JPMORGAN CHASE BANK N.A., whose United States address is 270 Park Avenue, New
6 York, NY 10017, ^{was 5/26/2011} ~~is being~~ served the summons, complaint, motion for temporary restraining
7 order, motion for preliminary restraining order, affidavit of hardship and injury via a process
8 server in New York.
9
10 6. The subject Property is located in King County, Washington.
11 7. This Honorable Court has Jurisdiction.

12
13 FACTUAL ALLEGATIONS

- 14 8. Defendant, NORTHWEST TRUSTEE SERVICES, INC. has scheduled a Trustee's Sale of
15 the subject Property (File No. 7763.28416) for June 3, 2011 due to an alleged default of
16 an alleged loan obligation, both of which the plaintiff disputes.
17
18 9. Plaintiff is the party of record with exclusive possessory rights to the below described subject
19 Property, according to the official records of King County, Washington, legally described as:

20 W 182 FT OF E 342 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LESS S 140 FT
21 & N 20 FT OF S 160 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LY E OF
22 24TH PL S LESS E 342 FT LESS N 75 FT.

23 Assessor's Parcel Number: 162204-9155

24 commonly known as: 22650 24th Ave S, Des Moines, WA 98198; as evidenced by a
25 Statutory Warrantee Deed recorded in King County, Washington, Auditor's file number
26 20060906002230.

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- 1 10. Defendant(s) have produced no valid enforceable perfected security interest in the
2 subject Property.
- 3 11. The defendant's alleged default is in dispute and unproven.
- 4 12. The threatened harm to plaintiff outweighs any substantial harm to the Respondents.
- 5 13. Plaintiff would be irreparably harmed and be permanently and wrongfully deprived of
6 possession of the subject Property if the trustee sale (File No. 7763.28416) scheduled
7 for June 3, 2011 is not restrained.
- 8 14. The relief requested by plaintiff is in the public interest.
- 9 15. There is substantial likelihood that none of the defendants have an enforceable security
10 interest in the subject Property, that a default will not be a proven, that no loan was
11 ever performed; and, therefore there is substantial likelihood that a judgment will be
12 entered that no defendants are entitled to payment of a loan or have standing to
13 foreclose.
- 14 16. Plaintiff requests that the Court take judicial notice that on or about April 13, 2011,
15 Defendant JPMORGAN CHASE BANK N.A. stipulated to a voluntary consent order
16 Consent Order No. AA-EC-11-15 filed with THE OFFICE OF THE COMPTROLLER OF
17 THE CURRENCY (OCC) stating JPMORGAN CHASE BANK N.A. (page 3 (c)) litigated
18 foreclosure proceedings and initiated non-judicial foreclosure proceedings without always
19 ensuring that either the promissory note or the mortgage document were properly endorsed or
20 assigned and, if necessary, in the possession of the appropriate party at the appropriate time"
21 pursuant to voluntary Consent Orders filed with the OCC (see Exhibit "E" of complaint)
- 22 17. A preliminary injunction is necessary to protect plaintiff from the threatened harm.
- 23
- 24
- 25
- 26

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1 18. No bond should be required of Plaintiff as a precondition to the granting of the relief
2 requested herein because: a) the alleged default is in dispute and unproven; and, b)
3 defendant(s) have produced no valid enforceable perfected security interest in the
4 subject Property.
5

6 RELIEF REQUESTED

7 WHEREFORE Plaintiff DEBORAH R. BEATON, moves the Honorable Court to enter a
8 Preliminary Injunction enjoining all defendants and specifically NORTHWEST TRUSTEE
9 SERVICES, INC. from selling the subject Property and granting such other and further relief as
10 the circumstances may warrant until further notice of the Court.
11

12 UNDER PENALTIES OF PERJURY, I affirm that the facts alleged in the foregoing are true
13 and correct according to my own personal knowledge.

14 Date: May 24, 2011.

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VERIFICATION

Plaintiff: DEBORAH R. BEATON, Plaintiff

Signature: Deborah R. Beaton

JURAT

I, the undersigned Notary Public, certify that I know or have satisfactory evidence that Plaintiff DEBORAH R. BEATON appeared before me, and executed this Motion as her sworn statement as a free and voluntary act of her own will under penalty of perjury.

I certify under PENALTY OF PERJURY under the laws of the State of Washington, County of King that the foregoing paragraph is true and correct.

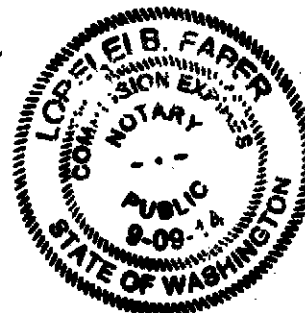
May 24, 2011
DATED:

Louise B. Fahn

Notary Public

My appointment expires 9-9-2014

SEAL



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